



Commissioner for Patents United States Patent and Trademark Office Washington, D.C. 20231

Paper No. 4

FORD GLOBAL TECHNOLOGIES, INC SUITE 600 - PARKLANE TOWERS EAST ONE PARKLANE BLVD. DEARBORN, MI 48126

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APR 2 3 2002

In re Application of Hepburn, et al. Application No. 10/025,723 Filed: December 18, 2001 Attorney Docket No. 198-1276

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition filed February 11, 2002 (duplicate filed March 21, 2002), requesting that the above-identified application be accorded a filing date of December 18, 2001, rather than the presently accorded filing date of December 19, 2001.

Petitioner maintains that the above-identified application was deposited in the United States Postal Service (USPS) Express Mail Service on December 18, 2001, pursuant to the requirements of 37 C.F.R. §1.10, and that the "date-in" was incorrectly entered by the USPS, resulting in the Office according the application the incorrect filing date of December 19, 2001. In support, petitioner submitted:

a copy of the Post Office to Addressee Express Mail mailing label used to transmit the application, No. EL764777180US; a copy of the application transmittal, which identifies the Express Mail No. used as EL764777180US; a declaration by Angela Y. Singleton, attesting to having deposited the correspondence in an Express Mail Drop Box prior to the last scheduled pickup for the day; and a declaration by USPS employee Sharon L. Bare, declaring that the records of the USPS show that the correct "date-in" for this Express Mail is December 18, 2001, with a copy of the relevant USPS tracking record showing acceptance or pickup on 12/18/01 at 22:00.

The instant petition was filed promptly within the meaning of  $\$1.10\,(d)\,(1)$ . Having considered the evidence submitted, it is concluded that petitioner has shown that the correspondence was deposited with the USPS on December 18, 2001, pursuant to the requirements of \$1.10, and thus, is entitled to a filing date of December 18, 2001  $^{\circ}$ .

<sup>§1.10(</sup>d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

<sup>(1)</sup> The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect

Accordingly, the petition is **GRANTED**.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to December 18, 2001.

Telephone inquiries regarding this matter should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

Beverly M. Flanagan Supervisory Petitions Examiner Office of Petitions

Office of the Deputy Commissioner for Patent Examination Policy

entry by the USPS;

 $<sup>(\</sup>bar{2})$  The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original

mailing by "Express Mail"; and
(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.